

PATENT
Customer No. 45,609
Attorney Docket No. FP2004.1019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Group Art Unit: 1642
)
Yan WANG et al.) Examiner: Sean E. Aeder
)
Application No.: 10/589,561) Confirmation No.: 8058
)
Filed: August 16, 2006)
)
For: NOVEL APO2L AND IL-24)
 POLYPEPTIDES,)
 POLYNUCLEOTIDES, AND)
 METHODS OF THEIR USE)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In an Office Action mailed September 27, 2010, the Office required restriction under 35 U.S.C. § 121 and 372. The Office asserted that the application contains inventions that are not linked so as to form a single general inventive concept under PCT Rule 13.1. The Office restricted the claims into three Groups. Applicants **elect** without traverse or admission the claims of **Group II**, which are drawn to certain isolated polypeptides.

The Office also asserted that the application contains claims directed to more than one species of the generic invention and that the species lack unity of invention. The Office required the election of a single species within Group II. Applicants hereby **elect** without traverse or admission the **species comprising SEQ ID NO:22**. The claims that read on the elected species are claims 10, 11, 17, 19, 48, 53, and 91.

Applicants petition herewith for a 3-month extension of time and authorize the Commissioner to charge the Extension of Time fees to Five Prime Therapeutics, Inc. Deposit Account No. 50-4190.

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Respectfully submitted,

Date: January 27, 2011

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